

Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

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Mayor

Wm. Gee Williams, III

Vice President

Elroy Brittingham, Sr.

Council Members

Dean Burrell, Sr.

Lisa Hall

Paula Lynch

Troy Purnell

BERLIN, MARYLAND

MAYOR AND COUNCIL MEETING

Town Attorney

David Gaskill

MONDAY, DECEMBER 27, 2010

Town Administrator

Anthony J. Carson, Jr.

**COUNCIL CHAMBERS – BERLIN TOWN HALL
10 WILLIAM STREET
BERLIN, MD 21811**

EXECUTIVE SESSION6:30 PM

REGULAR SESSION7:00 PM

Anyone having questions about the meetings mentioned above or needing special accommodations should contact Tony Carson, Town Administrator at (410) 641-4144

*TTY users dial 7-1-1 in the State of Maryland
TTY users outside Maryland dial 1-800-735-2258*

**BERLIN MAYOR AND COUNCIL
COUNCIL MEETING
AGENDA
Monday, December 27, 2010**

6:30 PM EXECUTIVE SESSION – Berlin Town Hall Conference Room

7:00 PM REGULAR SESSION – Berlin Town Hall Council Chambers

1. Approval of the Minutes for:
 Approval of Joint Meeting on December 8th, 2010
 Regular Session of the Mayor and Council on December 13, 2010
 Executive Session of the Mayor and Council on December 20, 2010
 Statement of Closure of Mayor and Council on December 20, 2010
2. Request for 60 day Extension of EDU Resolution for Schuster Properties
3. Amendments to Personnel Policy
 - a. Cell Phone Usage
 - b. Vehicle Gas Card
4. Departmental Reports
 - a. Finance
 - b. Deputy Town Administrator
 - c. Public Works
 - d. Water Resources
 - e. Electric
 - f. Police
 - g. Planning and Zoning
 - h. Human Resources
 - i. Economic and Community Development
5. Town Administrator's Report
6. Comments from the Mayor
7. Comments from the Council
8. Comments from the Public
9. Comments from the Press
10. Adjournment

**JOINT MEETING BETWEEN
MAYOR AND COUNCIL
AND
BERLIN UTILITY COMMISSION**

WEDNESDAY, DECEMBER 8, 2010

The joint meeting between the Mayor and Council and the Berlin Utility Commission was held on Wednesday, December 8th beginning at 6:25 p.m. Those persons in attendance were Mayor Gee Williams, Councilmembers Lynch, Burrell, Brittingham, Hall and Purnell, Town Administrator Tony Carson, Electric Utility Director Tim Lawrence, Finance Director Lynn Musgrave, Town Attorney David Gaskill and Administrative Assistant Sharon Timmons. Also in attendance were Commission president Erik Quisgard, Commission members Sue Beaman, Jason Walter, Bob Mitchell and Sean Coughlin, Booth and Associates consultant Dwight Davis and Arnold Boughner from Easton Utilities.

Mayor Williams gave a positive overview on the progress made on the utility company and stated that the Town was at a critical turning point. He asked the BUC to discuss the information heard tonight at their meeting to be held on December 21st and be ready to make a recommendation to the Mayor and Council at the meeting to be held on December 27th regarding the PJM membership and solicitation process. He referred to the memo sent earlier in the day regarding the timelines which would need to be met. Two key components to moving to the next step are a more competitive power supply agreement and the filing of a new rate case to the Public Service Commission. He suggested that the BUC revisit the idea of working with a broker. Several options through the PJM membership are contracting 100% of energy needs, 50% purchase through PJM grid and 50% contracted or purchase through PJM if a contract was not acceptable.

Dwight Davis of Booth and Associates stated that he endorsed the Mayor's suggestions and spoke regarding the recent PSC hearing. He stated that the purpose of the hearing was to evaluate the last 12 months for PCA billing vs. costs incurred and the ACA reconciliation would begin this month. Currently the credit is \$.24 per 1000 KWh, but would be increased to \$1.48 per 1000 KWh. The PSC's future focus from the town was the pursuance of a competitive process for bids towards a new power supply agreement. Mr. Davis stated that one of the benefits of membership with PJM was more flexibility in purchasing power and the Town would be in a stronger position to negotiate with suppliers. The PSC requested that the Town provide them with copies of proposals received by the Town after the evaluation. He continued with an explanation of the ACA charge.

Mr. Davis began his explanation of the PJM application and fees associated. The draft application had been sent and PJM inquired as to how the Town would address technical requirements and defaults. He stated that there was a provision in the agreement which stated that the Town could ask for an exemption from the default indemnification if State law concurs. Mr. Davis stated that he felt the Town should submit that request even though PJM has tightened up the credit criteria. Mr. Davis explained that there is an application fee of \$5,000, an annual fee of \$5,000 plus a fee of \$1,500 regarding a credit application. There could also be annual administrative costs of \$5,000 or less for representation at required meetings in lieu of the Town's attendance and transmission costs. He stated that Delmarva Power can provide settlements on energy use at no charge. There could be a cost for assessment for working capital.


Mayor Williams left the meeting due to a prior commitment.

BUC member Jason Walter inquired if additional staffing requirements would be needed at the Power Plant. Mr. Davis replied that he did not anticipate the need. Mr. Quisgard inquired about the requirements regarding generation. Mr. Davis replied that the Town still needed to operate as they had been in the summer months. Mr. Quisgard asked to have the numbers given to Booth and Associates on the cost savings. Mr. Carson stated that the Town's savings from operating during the peaks were \$600,000.

Mr. Arnold Boughner of Easton Utilities gave a background of how they came to become members of PJM. He continued with explanations of the benefits of membership, associated costs, the different markets, the use of CES (Customized Energy Solutions) and contract pricing. The advantages include getting rid of the middle man and revised capacity marketing. He continued in reporting that operators must be certified and that additional training would be required each year to maintain that status. Discussion continued regarding the use of CES and contract pricing. Discussion regarding "a day ahead vs. real time markets" continued. Councilmember Lynch asked Mr. Davis what his recommendation was concerning PJM membership and he replied that he recommended the Town join the membership. He continued in recommending that the Town speak with CES regarding what services are needed and costs for the basic services and then set up a master agreement contract with suppliers. Tony and Dwight will begin contacting to get costs or preliminary estimates. Discussion continued.

The meeting ended at 8:30 p.m.

Respectfully submitted,


Sharon Timmons
Administrative Assistant

MAYOR AND COUNCIL OF BERLIN, MARYLAND
Regular Session Council Minutes
Monday, December 13, 2010

The meeting of the Mayor and Council for Monday, December 13, 2010 was called to order by Mayor Williams at approximately 7:06 p.m. Council Members Lynch, Purnell, Brittingham, Burrell and Hall were present, as well as Town Administrator Tony Carson, Town Attorney David Gaskill, Director of Community and Economic Development Michael Day, Finance Director Lynn Musgrave, Deputy Town Administrator Mary Bohlen, Administrative Assistant Sharon Timmons, Public Works Director Mike Gibbons, Electric Utility Director Tim Lawrence, Planning and Zoning Director Chuck Ward, Police Chief Arnold Downing and Human Resources Director Jeff Fleetwood. Director of Water Resources Jane Kreiter was absent.

Following the recitation of the Lord's Prayer and the Pledge of Allegiance, Mayor Williams asked for approval of the Executive Session Minutes of November 22, 2010. Councilmember Brittingham made a motion to approve the minutes and council voted unanimously to approve 5-0. Mayor Williams asked for approval of the Regular Session Minutes of November 22, 2010. Councilmember Lynch made a motion to approve the minutes and council voted unanimously to approve 5-0. Mayor Williams stated that the Executive Session was closed to discuss the acquisition of real property for a public purpose. Mayor Williams asked for approval of the Executive Minutes of December 8, 2010. Councilmember Lynch made a motion to approve the minutes and council voted unanimously to approve 4-1 with Councilmember Purnell abstaining. Mayor Williams stated that the Executive Session was closed to discuss the acquisition of real property for a public purpose.

Leslie Michalik and Mike Kleger from Pigg, Krahle & Stern came before the council for the FY10 Audit Presentation. Despite finding some weaknesses and deficiencies in bank reconciliations, utilities and taxes, Mr. Kleger stated that the Town overall was in an extremely strong position, especially in the General and Electric funds. Ms. Michalik went into further explanation of the report. Mayor Williams requested that Finance Director Lynn Musgrave address the issues in the letter from PKS. Ms. Musgrave stated that the bank reconciliations were complete through September and that October and November should be completed this week. She continued with explanations of how the new accounting system will and has already begun to alleviate some of the issues. Ms. Musgrave also explained the changes regarding use of Town credit and gas cards. Councilmember Burrell requested for a monthly report on the status of the reconciliations and transfers to the new system for any pitfalls or shortcomings. Town Administrator Tony Carson stated that new policies regarding gas cards and cell phones would be introduced at the next meeting for approval. Discussion followed.

Town Administrator Tony Carson explained the motion regarding the updating of the Town Standards to add residential sprinklers. Mr. Carson stated that the Town Standards currently address commercial meters allowing the use of a ¾" meter service line. The change would allow utilization of the existing ¾" service line for a residential/domestic sprinkler if it is determined by the sprinkler system provider that adequate flow is obtainable from the service line and that the size of the meter will be determined by the plumbing contractor and/or the sprinkler system provider with the approval of the Water Resources department. Councilmember Purnell made a motion to approve the updating of the Town Standards for residential sprinklers and council voted unanimously to approve 5-0.

Mayor Williams asked for any brief comments from the public regarding Ordinance 2010-13, an ordinance exempting the Town from the requirements of Section R313.2 of the International residential code which mandates the installation of automatic residential fire sprinkler systems in all new one and two family dwelling effective January 1, 2011. The state law goes into effect January 1, 2011, but counties and municipalities may opt out of the law. The public hearing was held on November 22, 2010. John Kotoski came forward and presented a picture of a billboard showing the importance of smoke detectors, not sprinkler systems. Ron Cascio stated that he did not support the county mandate because they do not have town water. He continued by saying that single family home owners should have the right to choose if they install a sprinkler system, but he did feel the need to have them in duplexes. There being no further comments, Mayor Williams asked for a motion. Councilmember Purnell made a motion to un-table the motion for consideration and council voted unanimously to approve 5-0. Councilmember Lynch stated that the Town of Pocomoke had chosen to opt out

of the mandate. Councilmember Purnell stated that duplexes are required to have firewalls. Discussion continued. Councilmember Purnell made a motion to amend Ordinance 2010-13 removing "and two" from the introduction of the Ordinance and council voted in favor to amend 4-1 with Councilmember Hall opposing. Councilmember Hall inquired as to the mandate of sprinkler systems in manufactured homes and Councilmember Purnell stated that manufactured homes are automatically equipped with sprinkler systems. Councilmember Purnell made a motion to approve amended Ordinance 2010-13 and council voted in favor 4-1 with Councilmember Hall opposing.

Economic and Community Development Director Michael Day and Main Street Design Committee member Barb Stack came before the council for approval of the Special Event known as New Year's Eve Celebration to be held on December 31st from 10:30 p.m. to 12:30 a.m. Mr. Day explained that there was no charge for the event which would consist of a DJ for dancing and a ball drop. Council commented that they thought it was a great idea. Discussion followed. Councilmember Hall made a motion to approve the event and council voted unanimously to approve 5-0.

Departmental reports began with Finance Director Lynn Musgrave stating that a weekly meeting is held with Logics regarding the new software system.

Deputy Town Administrator Mary Bohlen reported that the Town web page still requires a bit more tweeking in some areas, but for the most part is complete and staff is learning to update areas which are pertinent to their departments.

Public Works Director Mike Gibbons reported that a dedication had taken place on December 2nd at Stephen Decatur Park for the new plaque by the anchor, the concrete sidewalk repair work was complete with the exception of a few spots on Flower Street, the railroad work at Broad Street had been completed and he had received estimates of \$2,500 for filling of cracks on Buckingham Lane. He continued reporting that an estimate of \$25,000 had been received on the overlay of Buckingham Lane from Main Street to West Street. The monies required for the overlay need to be included in the capital budget for FY12. Discussion continued on the installation of a guard rail and small plants along the ditch on Flower Street.

Electric Utility Director Tim Lawrence reported on the relocation project for the utility poles on Flower Street. He stated that any residents involved would be notified well in advance to the work being done due to electric service being terminated for a short period of time. He continued reporting that relay and emissions testing would be taking place at the Power Plant and he was working on specification standards for induction lighting.

Police Chief Arnold Downing reported a successful Christmas parade and thanked coordinator Gail West and the various Police departments which assisted with the event. He continued his report with announcing that Sonrise Church was requesting an exemption on park hours for a food giveaway on December 23rd from 5 p.m. to 7 p.m. at Henry Park. Councilmember Burrell made a motion to allow Sonrise Church to use the park from 5 p.m. to 7 p.m. for their event and council voted unanimously to approve 5-0.

Planning and Zoning Director Chuck Ward gave a report summarizing issuance of permits, code violations, adopted ordinances, meetings and staff support over the past year. A copy of this report is included as part of the minutes.

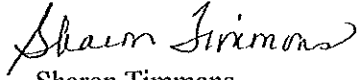
Human Resources Director Jeff Fleetwood reported that he was currently examining files to ensure compliance.

Economic and Community Development Director Michael Day thanked the various departments for their assistance on Arts Night. He thanked Becker Morgan for pro-bono work done on the Multipurpose building regarding needed renovations. A copy of the report was given to Town Administrator Tony Carson. Mayor Williams asked for a list of needs to be completed by the end of February.

Town Administrator Tony Carson presented 10 purchase orders (20110336, 20110394, 20110353, 20110464, 20110381, 20110483, 20110490, 20110304, 20110482 and 20110531) for approval. This report will be included as part of the minutes. Discussion followed. Vice President Brittingham made a motion to approve the purchase orders as presented and council voted unanimously to approve 5-0.

Mayor Williams asked for comments from the council. There being none, Mayor Williams asked for questions from the public. Ms. Jane Worton of Hudson Street asked for assistance regarding traffic flow on her street due to patients attempting to reach the doctor's offices. This street is a dead end street. Mayor Williams inquired if Public Works Director Mike Gibbons would investigate some type of directional sign and report back. There being no additional comments or questions from the public or the press, Councilmember Burrell made a motion to adjourn and the meeting ended at 8:55 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sharon Timmons".

Sharon Timmons
Administrative Assistant

TOWN ADMINISTRATOR'S REPORT
12-27-10

Purchase Orders

PO# 20110601 in the amount of \$1,167.00 to Bunting and Murray for 1/3 cost for repair to sink hole located in Decatur Farms.

PO# 20110610 in the amount of \$2,600.00 to Lilly's Welding Service for guard rail to be installed on Flower Street.

PO# 20110612 in the amount of \$6,021.00 to Terra Firma to asphalt patching on Washington, West Branch and William Streets.

Updates